

HAROLD M. HOFFMAN, ESQ.
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(212) 486-6322
ATTORNEY FOR DEFENDANT EMANUEL ZELTSER

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INNA GUDAVADZE, et al.,

Plaintiffs,

-against-

JOSEPH KAY and EMANUEL ZELTSER,

Defendants.

08 Civ 3363 (RJS)

**NOTICE OF CROSS-MOTION BY DEFENDANT EMANUEL ZELTSER
FOR AN ORDER DISMISSING ACTION PURSUANT TO
RULE 12(b)(2) and (5), FED. R. CIV. P., FOR LACK OF PERSONAL
JURISDICTION AND INSUFFICIENT SERVICE OF PROCESS**

PLEASE TAKE NOTICE that on May 8, 2008, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, defendant Emanuel Zeltser, Esq., presently, and since March 12, 2008, unlawfully incarcerated in a *KGB* operated prison in Minsk, Belarus, by his attorney, Harold M. Hoffman, Esq., will cross-move before the Honorable Richard J. Sullivan, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Rule 12(b)(2) and (5), Fed. R. Civ. P., for an order dismissing the within action as to Emanuel Zeltser, for lack of personal jurisdiction and insufficient service of process.

In support of the instant cross-motion, defendants will rely upon the accompanying

Memorandum of Law and Declaration of Harold M. Hoffman.

Dated: April 30, 2008

S/
HAROLD M. HOFFMAN, ESQ. [HH 5139]
Attorney for Defendant Emanuel Zeltser

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DECLARATION OF SERVICE OF CROSS-MOTION TO DISMISS ACTION

HAROLD M. HOFFMAN, under penalty of perjury, respectfully declares:

1. I am admitted to practice before this Court and am attorney for defendant Emanuel Zeltser.

2. On April 30, 2008, I served all counsel with true copies of all papers on defendant Emanuel Zeltser's cross-motion for an order dismissing action, by e-mail delivery, as follows:

cktahbaz@debevoise.com – counsel for plaintiff
jrcowan@debevoise.com – counsel for plaintiff
pog@nqgrg.com – counsel for defendant Kay

Dated: April 30, 2008

/s/
Harold M. Hoffman